

STATE OF ALASKA

COMMISSION ON JUDICIAL CONDUCT

In the matter of the proceeding )  
pursuant to A.S. 22.30.011(a) in )  
relation to: )  
 )  
**RICHARD W. POSTMA, Jr.** )  
 ) **ACJC File No. 2010-005**  
 ) **(referencing but not**  
 ) **incorporating closed file**  
 ) **#2009-004)**  
  
Judge of the District Court, )  
Third Judicial District at )  
Anchorage, Alaska )  
 )  
 )

**To: Richard Postma**  
**c/o Thomas Van Flein**  
**711 H Street, Suite 620**  
**Anchorage, Alaska 99501**

**COMPLAINT**

The Alaska Commission on Judicial Conduct pursuant to Article IV, sec. 10 of the Constitution of the State of Alaska, AS 22.30.011, and Rule 11 of the Rules of the Alaska Commission on Judicial Conduct charges that Judge Richard Postma, engaged in the following conduct that violates of AS 22.30.011 (a) (2) and/or AS 22.30.011 (a) (3) (B) (C) (D) and (E), Canons 2A, 3A, 3B(4), and 3C(1) and the confidentiality provisions of AS 22.30.060.

(1) From February 2009 through April 2010, Judge Postma, in response to perceived inequities in his case assignments and other administrative matters, engaged in e-mail correspondence and in-person confrontations with fellow judges and court staff that exhibited a level of anger and lack of judgment inappropriate to the judicial office. This conduct creates an appearance of impropriety by acting in a manner that does not promote public confidence in the integrity of the judiciary in violation of Canon 2A; violates Canon 3 B(4) through lack of patient, dignified and courteous conduct; and violates Canon 3 C(1) by failing to cooperate with other judges and court staff in the administration of court business. This conduct also constitutes willful misconduct in office, conduct prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute in violation of AS 22.30.011(a) (3) (A), (C) and (D).

(2) Judge Postma has personal needs that include personal work requests, which would require unreasonable accommodations by the court system. These personal needs violate Canon 3A because they take precedence over the judge's judicial duties.

(3) Judge Postma circulated and shared the fact that he filed complaints with the Commission on Judicial Conduct against two other judges, violating the confidentiality requirements of AS

22.30.060 and constituting willful misconduct in office, conduct prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute in violation of AS 22.30.011 (a) (3) (A), (C) and (D) and Canon 2A by failing to exhibit respect for the rule of law and comply with the law.

(4) Judge Postma suffers from a combination of mental health difficulties as outlined by Commission independent mental health expert Dr. M. Milner's evaluative reports of April 6, and April 21, 2010, that render him likely to be unable to fulfill the duties expected of a district court judge in Anchorage. The findings of a Commission-required independent mental health exam indicate that the judge's impairment is likely to impede his ability to function appropriately within the workplace with colleagues, peers and staff, establishing a disability that seriously interferes with the performance of duties and is or may become permanent.

Commission Rule 11(b)(4) requires that a response be filed within twenty days.

Dated at Anchorage, Alaska this 30<sup>th</sup> day of April 2010.

ALASKA COMMISSION ON JUDICIAL CONDUCT

By: 

Honorable Ben Esch  
Chair

BY ORDER OF THE COMMISSION

Alaska Commission on Judicial Conduct  
1029 W. 3<sup>rd</sup> Ave., Suite 550  
Anchorage, Alaska 99501  
(907) 272-1033  
FAX (907) 272-9309

**RETURN**

I served the above Complaint constituting a statement of formal charges on Judge Richard Postma, the person to whom it is addressed, on the 4<sup>th</sup> day of May, 2010, by certified mail to his attorney Thomas Van Flein.

Lauren Fee

Signature

Administrative Assistant

Title

Lauren Fee

Name